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MAR 25 2008

CHAMBERS OF
ANDREW J PECK

Via Fax (212) 805-6382

Honorable Victor Marrero USDJ
 United States District Court
 Southern District of New York
 500 Pearl Street, Chambers 660
 New York, NY 10007

March 25, 2008

MEMO ENDORSED *12*Re: Teachers4Action et al v. Bloomberg et al. 08-cv-548 (VM)(AJP)

Honorable Judge:

I am counsel for Plaintiffs in the above referenced matter. Plaintiffs' Amended Complaint has been filed and served on Blanche Greenfield Esq., counsel for Defendants Michael Bloomberg, City of New York, Joel Klein and New York City Department of Education (hereinafter "NYC Defendants").¹

NYC Defendants' counsel Greenfield and I are working cooperatively together to prepare a Proposed Scheduling Order at the Court's Initial Conference, whenever it can be scheduled.

This letter is written because, notwithstanding the cooperation between NYC Defendants' counsel and me, in the last days, certain retaliatory actions have been taken by NYC Defendants, that we respectfully submit require the Court's emergent attention.

Briefly, the retaliatory actions have now taken the form of scheduling and attempting to move Administrative Hearings ("The State Hearings") forward against Plaintiffs in this action. The Plaintiffs are now being forced to defend themselves in The State Hearings before arbitrators who we submit are conflicted, biased or have been improperly designated. In The State Hearings, the punishments that Plaintiffs face include ruinous fines, defamatory comments in their files and possible termination.

As if that were not enough, because of their participation as Plaintiffs in this lawsuit, Plaintiffs have been stripped of their appointed counsel² in The State Hearings. In the last few days, Plaintiff's appointed counsel started to send letters announcing withdrawal as their counsel. This withdrawal by appointed counsel in The State Hearings, was unilateral, without Plaintiffs' consent and without prior notice, approval or appropriate Court Order. Plaintiffs submit it is a further violation of their rights.

¹ Amended Summons for service of the Amended Complaint on the additional Defendants named in the Amended Complaint are being submitted separately.

² Appointed Counsel in The State Hearings is provided by New York State United Teachers, the parent to Defendant United Federation of Teachers, and is paid for by Defendant United Federation of Teachers. Counsel of record for the plaintiffs (designated as respondents in The State Hearings) is James Sandner Esq.

EDWARD D. FAGAN ESQ.

Hon. Victor Marrero USDJ – March 25, 2008 Letter – Page 2
 Re: Teachers4Action et al v. Bloomberg et al, 08-CV-548 (VM)(AJP)

Plaintiffs are being forced to defend themselves in The State Hearings, without counsel, and with Arbitrators who Plaintiff's submit are conflicted, biased or improperly designated.

Plaintiffs submit that The State Hearings, as certain Defendants, now seek to have them move forward, violate their due process and other constitutionally protected rights and merit the Court's emergent attention.

This morning Blanche Greenfield Esq. (counsel for the New York City Defendants) and I are conducting our Rule 26 Conference. The issue of emergent relief and the need to get back into Court on an expedited basis – pending the Court's availability – has already been raised.

The issue of Emergent Relief related to The State Hearings is raised in this letter because (despite objections) hearings are about to be started today against Plaintiffs (Paul Santucci and Gloria Chavez) and other hearings are scheduled for later this week and next week.

Plaintiffs respectfully submit that a Rule 16 Conference at which Plaintiffs' Request for Emergent Relief and Preliminary Injunction could be address by the Court in a way to prevent further irreparable harm to Plaintiffs.

In view of the foregoing, Plaintiffs respectfully request that the Court call such a Conference at its earliest convenience.

Thank you for the Court's consideration.

Respectfully submitted,

Edward D. Fagan

Cc: Via Fax (212) 805-7933

Honorable Andrew J. Peck USMJ
 United States District Court
 Southern District of New York
 500 Pearl Street, Chambers
 New York, NY 10007

Blanche Greenfield Esq. –
 Charles Moerdler Esq. –

James Sandner Esq. –

EDD Fagan
 Blanche Greenfield
 Charles Moerdler

Counsel for NYC Defendants - Via Fax

Counsel for Defendants Weingarten & United Federation
 of Teachers – Via Fax

NYSUT – Via Fax

MEMO ENDORSED 3/25/08

1. This letter agrees to be a "memorandum".
 2. Several weeks after filing the Plaintiff's
 Complaint, it agrees for the letter post 1/15/08
 (or not send the letter UP), no word on efforts
 to get an addendum, etc.
 3. Doesn't have to stop the hearing when
 we were agreeable but Plaintiff's very right.
 4. Plaintiff's defense should, drawing
 upon Plaintiff's of previous letter
 Plaintiff's right as to the
 hearing before the Court is to be
 given. Moreover, it's necessary to understand
 Plaintiff's in how far Plaintiff's has letter
 Plaintiff's
 G. Plaintiff's very right in his letter
 Plaintiff's
 SO ORDERED:

Hon. Andrew J. Peck
 United States Magistrate Judge

BY
 FAX

FAX TRANSMITTAL SHEET

ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
 Southern District of New York
 United States Courthouse
 500 Pearl Street, Room 1370
 New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
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Dated: March 25, 2008

Total Number of Pages: 3

TO	FAX NUMBER
Edward D. Fagan, Esq.	646-304-6446
Blanche Greenfield, Esq.	212-788-8877

TRANSCRIPTION:**MEMO ENDORSED 3/25/08**

1. This letter appears to be an "end run" around me. That is not appropriate.
2. Several weeks after filing the Amended Complaint, it appears from this letter that plaintiffs still have not served the UFT, nor made any efforts to get amended summonses, etc.
3. Plaintiffs have to stop this "hurry up when we want approach" but then do nothing right.
4. Until all defendants are served, discovery remains stayed as previously ordered.
5. Moreover, rights as to the admin. hearings can be protected in state court. The issue before this Court is the so-called rubber rooms. Moreover, plaintiffs previously complained re delays in having hearings.
6. All relief requested in this letter is DENIED.

Copy to: Judge Victor Marrero